THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.20663 of 2007

Between:-

Savvani Pedakapu and seven others.

..Petitioners

And

The Commissioner,
Palakollu Municipal Corporation,
Palakollu, West Godavari district

..Respondent

:ORDER:

Counsel for the petitioners : Shri Ravi Kumar Moturi.

Counsel for the respondent : Shri S. Nageswara Reddy

October 30, 2007:

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THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No. 20663 of 2007

:O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of the respondent in issuing notices dated 19-04-2007 to the petitioners.

Heard the learned counsel for the petitioner and Sri S. Nageshwar Reddy, learned standing counsel for the respondent.

A perusal of the individual notices dated 19-04-2007 issued to the petitioners shows that the respondent has alleged that the petitioners are in occupation of the municipal corporation land and therefore the petitioners were called upon to vacate the said land within fifteen days time failing which the petitioners will be forcibly

removed from the place in dispute.

One of the main contentions of the learned counsel for the petitioners is that though the impugned proceedings are styled as 'notice', they are in the nature of final orders passed and that these proceedings were not preceded by action oriented notice.

Learned standing counsel for the Municipal Corporation fairly states that the respondent may be directed to treat the impugned proceedings as 'notice' and the petitioners may file objections to the said proceedings and that on such objections being filed, the respondent will consider their case on merits and pass appropriate orders.

In view of the aforementioned submission, the writ petition is disposed of with a direction that the proceedings dated 19-04-2007 impugned in this writ petition shall be treated as action oriented notice. The petitioners may file their objections to such notice within two weeks from today and on receipt of such objections, the respondent shall consider them objectively and pass appropriate orders. Till passing of final orders by the respondent, the possession of the petitioners over the land in issue shall not be interfered. No costs.

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C.V.NAGARJUNA
REDDY, J

Dated: 30-10-2007.
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